


<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 910 South Charles Street		

**TO** Mr. David Tanner, Executive Director  
Board of Municipal and Zoning Appeals  
417 East Fayette Street, 14<sup>th</sup> Floor

DATE: November 22, 2011

### REQUEST

The Department of Planning has received Robert Gisriel's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Shofer's Furniture Co., Inc., to construct a two-story rear addition and a third-floor rear addition, and to use the premises for general retail use on the first floor and two dwelling units on the upper floors. We understand that this appeal is scheduled for hearing on November 22, 2011.

### SITE

910 South Charles Street is located on the west side of the street, approximately 20'2" north of the intersection with Wheeling Street. This property measures approximately 15'3" by 66' and is currently improved with a three-story attached building covering the entire lot. This site is zoned B-2-3 and is located within the South Baltimore Business Area Urban Renewal Plan area and the Federal Hill National Register Historic District.

### ANALYSIS

Use: In this zoning district, dwellings are a permitted use, and so are allowed (§6-306). In this case, the property was last authorized for use for general retail sales, which is a permitted use in this B-2 Community Business District if the actual use is one permitted by §6-306 to §6-308 of the Zoning Code. This application would reactivate residential use of the upper floors of the building, while retaining retail use of the first floor.

Urban Renewal Plan: This property is located in the South Baltimore Business Area Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Insufficient Lot Area: In this zoning district, multiple-family dwellings require 550 square feet of lot area per dwelling unit (§6-311.d.). In this case, for two dwelling units, 1,100 square feet of lot area is required. The lot only encloses 1,006 square feet, and so does not meet this requirement.

Lot Area Variance: The Board may grant a variance to reduce the applicable minimum lot area requirements by no more than: (1) 25% of the applicable regulation (§15-202). In this case, the proposed amount of variance would be 8.5%. The variance requested is within the discretionary range of the Board and so may be allowed.

Off-Street Parking: ... if the intensity in use of a structure or premises is increased through the addition of dwelling, efficiency, or rooming units, floor area, seating capacity, or other units of measurement, off-street parking facilities must be provided for that increased intensity, as

required by this title (§10-202.a). If the structure was lawfully erected before April 20, 1971, additional off-street parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b). In this zoning district, multiple-family attached dwellings require one off-street parking space per dwelling unit (§10-405.1.iv). For two dwelling units, two parking spaces are required; none are or can be provided.

Off-Street Parking Variance: ... the Board may grant a variance to reduce by no more than 75% the number of off-street parking spaces otherwise required by the applicable regulation (§15-208.b). In this case the reduction proposed is 100%, which is greater than the variable amount the Board may authorize.

Required Yard: In this zoning district, a minimum rear yard setback of 30' is required (§6-312.e.). In this case, the existing building projects to within 0' of the rear lot line. The building additions will be above the existing structure and so will not affect this existing condition.

Comprehensive Planning: This property is located in a dense urban business district where residential mixed use, with housing located above retail shops, is desirable. Providing adequate living space in the dwelling units, by expanding the building footprint and thus available floor area, is also desirable here. Federal Hill Main Street and South Baltimore Business Association representatives have expressed both a desire for upper-floor housing and a concern about inadequate off-street parking for residents who are not eligible for Residential Parking Area permits because they live in a business zone. If the applicant can make arrangements for the occupants to park their vehicles in an adjacent parking lot currently under common ownership, or elsewhere in the neighborhood, this Department could recommend approval of this appeal.

Historic District: The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to contact the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

## **RECOMMENDATION**

The Department of Planning recommends approval of the appeal if the applicant demonstrates provision of adequate off-street parking for the requested dwelling units in accordance with Zoning Code requirements.

TJS/wya/mf

cc: Robert Gisriel, Appellant